

REMARKS

Applicants traverse the election requirement because the Examiner has not shown that Group I and Group II are distinct inventions, as claimed. Moreover, even if, *arguendo*, Group I and Group II are distinct inventions, the examination of all of the claims would not place an undue burden on the Examiner.

Applicants note that the claims, as recited, in Group I and Group II both relate to a Filtered Cathodic Arc process. As a result, even if, for sake of argument, the product as claimed can be made with the use of plasma CVD, as asserted by the Examiner, the argument nevertheless fails, because the statutory requirement requires the invention be read in light of the claimed language. In this case, since Group I and Group II recite the use of the Filtered Cathodic Arc process, the Examiner cannot assert other processes, because the process or the product must be read as claimed.

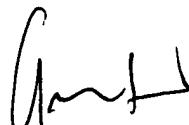
Moreover, even if, *arguendo*, Group I and Group II are distinct inventions, the examination of all of the claims would not place an undue burden on the Examiner. The non-elected claims share many features in common with the elected claims, and would not require extensive additional searching. For example, the elected Group I (e.g., claims 1, 8 and 18) includes a carbonaceous protective layer, formed by a Filtered Cathodic Arc process, with nitrogen distributed therein. These same features are found in Group II (e.g., claim 14). The claims in both groups have common features, and searches for the two groups would likely overlap, and the search and examination would not pose a "serious burden" upon the Examiner. See MPEP §803.

For ~~the~~ these reasons, applicants respectfully request that the restriction requirement be withdrawn, and that all claims be considered on the merits at this time.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Grace Law

Registration No. 48,872

October 28, 2002
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
Customer No. 24978

K:\2803\65479\Restriction.doc